

Message Text

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PAGE 01 STATE 055255

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ORIGIN L-02

INFO OCT-01 EUR-12 ISO-00 JUSE-00 SCA-01 /016 R

DRAFTED BY L/M:CLBLAKESLEY:AD
APPROVED BY L/M:KEMALMBORG
JUSTICE - M. STEIN

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R 121809Z MAR 75
FM SECSTATE WASHDC
TO AMEMBASSY LONDON

LIMITED OFFICIAL USE STATE 055255

E.O. 11652: N/A

TAGS: CPRS, PFOR, SNAR, UK

SUBJECT: EXTRADITION - PETER DALY

REF: (A) LONDON 3447; (B) LONDON 3779

1. JUSTICE DEPARTMENT ADVISES THAT U.S. ATTORNEY WILL
PROVIDE AFFIDAVIT REGARDING CROSS-EXAMINATION ISSUE AND
ANOTHER AFFIDAVIT CORRECTING THE ERRORS DESCRIBED REFTEL B.

2. WITH REGARD TO PARA 6 REFTEL B, DEPARTMENT AWARE THAT
SECTION TEN OF TREATY REQUIRES EVIDENCE THAT WOULD JUSTIFY
COMMITTAL TO TRIAL IN THE REQUESTED STATE. AGAIN, HOWEVER,
THE REQUIREMENT IS FOR EVIDENCE SUFFICIENT UNDER ENGLISH
LAW FOR COMMITTAL TO TRIAL, NOT FOR CONVICTION. TO REQUIRE
EVIDENCE SUFFICIENT FOR CONVICTION IS BEYOND REQUIREMENTS
OF THE TREATY. FOR EXAMPLE, AS REPORTED REFTEL B, PARA 5,
A CONVICTION (REPEAT CONVICTION) MAY BE QUASHED IN ENGLAND
IF IT IS BASED ON EVIDENCE FROM AN ACCOMPLICE WHO HAS YET
TO BE SENTENCED IN RESPECT OF THE SAME OFFENSES FOR WHICH A
CONVICTION, REPEAT CONVICTION, IS SOUGHT. THESE ARE PROB-
LEMS TO BE CONTENTED WITH AT TRIAL, BUT WHAT THE EXTRADITION
MAGISTRATE DETERMINES IS SIMPLY WHETHER SUBJECT SHOULD BE
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PAGE 02 STATE 055255

TRIED OR NOT.

3. DEPARTMENT UNDERSTANDS CARE AND INTEREST IN SUCCEEDING
IN EXTRADITION HEARING EXHIBITED BY DPP. NEVERTHELESS,
REQUIRING EVIDENCE SUFFICIENT TO CONVICT THE FUGITIVE GOES
BEYOND NECESSARY CAUTION. INGERSOLL

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Message Attributes

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